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FLOOR DEBATE

January 24, 2002 LB 82, 351

and opposition of the senior member of the committee. And so, therefore, we lost that vote. Now to the specifics: LB 82, in its original form as heard by the committee, comes to you exactly as we were requested to bring it by groups within the law enforcement community; you'll understand why. It amends the existing criminal mischief statute. The bill raises the dollar amount of loss by the act of criminal mischief, which affects the degree of punishment. This is done in order to promote fairness, and frankly to adjust for inflation. There's a change in punishment according to the amount of the loss. Nebraska law presently punishes those who commit criminal mischief according to the total amount of the pecuniary loss to the owner caused by the offender. A person convicted under the existing law faces punishment ranging from a Class III misdemeanor to a Class IV felony, depending on the total amount of loss to the owner of the property. Under that law in losses of more than \$300 in criminal mischief cases the prosecutor must charge a Class IV felony, for \$300 of loss. When dealing with property loss we respectfully suggest that \$300 is not what it used to be, it's a relatively easy amount to reach. It has, in effect, eviscerated and made meaningless the classifications within the statute and LB 82 amends the pecuniary loss threshold to \$1,500 before criminal mischief can become a felony, before criminal mischief can become a felony. So we have rendered meaningful the misdemeanor aspects of the statute as it exists. In addition, LB 82 provides that loss of \$500 to \$1,000...to \$1,500 is classified as a Class I misdemeanor. A loss of \$200 to \$500 is a Class II misdemeanor. And a loss of less than \$200 is classified as a Class III misdemeanor. These classifications will allow our prosecutors to have greater flexibility within the reality of what is the economic circumstance of today, adjusted<sup>o</sup> for inflation. It's justice keeping up. Now rather than forgo the time allotted for opening on the bill and the committee amendment, I'm going to proceed to discuss the committee amendment, the process for which I described to you earlier. The first bill that I would call to your attention, and I think you might be interested in, is what was originally LB 351. Section 10 of the amendment changes the penalty for unlawful possession of a firearm on school grounds. Indeed a timely subject, I submit. The Legislature criminalized possessing a firearm on school property in 1994. At that time